

BOSTON PUBLIC LIBRARY



3 9999 06317 241 3

HV 741

H3

No. \*HV741.H3



GIVEN BY

U. S. SUPT. OF DOCUMENTS





468-B-1

Children  
and  
Neglect

JAN 7 - 1965

...HAZARDOUS HOME CONDITIONS

Boston Public Library  
Superintendent of Documents

OCT 21 1963

DEPOSITORY

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
Welfare Administration

8362



# Children and Neglect

## ...HAZARDOUS HOME CONDITIONS

by

CLAIRE HANCOCK  
Family and Child Welfare Specialist



U.S. DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
Welfare Administration  
Bureau of Family Services  
Division of Welfare Services  
Washington, D.C. - 20201

[ 1963 ]

\* HV 741

.H3



## FOREWORD

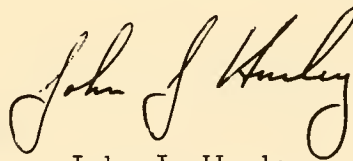
Many State agencies have requested criteria for evaluating home conditions that may be hazardous to children. This study has been prepared to answer these requests. It focuses on the needs of parents and children and on the circumstances which place responsibility on the public welfare agency to intervene to protect the children.

Few situations require a higher level of agency planning and social accountability than those which involve the neglect of children. Parents who have every intention of caring for their children may be seriously handicapped, even overwhelmed, by lack of money, ignorance or inexperience, or unhealthy social conditions; and the welfare agencies that work with such families could mistake poor living conditions for neglect.

The program of Aid to Families with Dependent Children (AFDC) emphasizes services to help parents maintain their homes and care for their children. These services are directed toward assuring a home and family life that will contribute to the child's healthy growth and development.

The 1962 Federal legislation on public assistance requires the States to plan and carry out services for each child receiving AFDC. State agencies must know not only the child's specific needs but also the current living conditions of each family and the nature and severity of any child care or guidance problems. This knowledge is necessary to protect the child and to meet his special needs.

In providing services to the neglected child, the AFDC program also contributes toward the prevention of juvenile delinquency. Most delinquent children are first neglected children; therefore, help for neglected children attacks one of the major sources of adult maladjustments and crime.



John J. Hurley  
Acting Director  
Bureau of Family Services  
Welfare Administration



# CONTENTS

	<u>Page</u>
<u>Introduction</u>	
I. <u>The Nature of the Criteria</u> . . . . .	1
The Role of the State Agency in Development of Criteria .	1
The Use of Criteria . . . . .	3
The Criteria . . . . .	4
Lack of Physical Care and Protection . . . . .	4
Contributing Environmental Factors ✓ . . . . .	5
Potential Solutions . . . . .	6
Lack of Supervision, Guidance, and Discipline . . . . .	7
Exploitation of Children . . . . .	8
Lack of Protection From Degrading Conditions . . . . .	9
Abuse and Physical Cruelty . . . . .	10
II. <u>Basic Concepts in Program Development</u> . . . . .	13
Principles of Child Protection . . . . .	13
Needs of Parents . . . . .	16
Needs of Children . . . . .	18
Needs of Families . . . . .	20
III. <u>Public Welfare and Protection</u> . . . . .	21
Public Assistance . . . . .	21
Community Resources . . . . .	23
IV. <u>Neglect: Responsibilities of Legal and Social Service Agencies</u> . . . . .	27
Legal Responsibilities . . . . .	27

	<u>Page</u>
Social Service Responsibilities .....	30
The Social Study and the Report to the Court .....	32
V. <u>State Agency Administrative Responsibility</u> .....	35
Program Development .....	35
Consultation .....	36
Staff and Advisory Committees .....	36
Staff Development .....	38
Policies, Standards, and Guides .....	40
<u>Appendices</u> .....	41
Excerpts from State Plans Pertaining to Protection of Children:	
1. Alabama .....	43
2. Maryland .....	47
3. New Mexico .....	49
References .....	55

## INTRODUCTION

Neglect is a complicated social and legal problem. When a child's home environment is seriously detrimental to his normal development, the intervention of the social and legal agencies may be essential for the protection of the child.

The conditions which separately or collectively indicate the need for action include:

- Lack of physical care and protection
- Lack of supervision, guidance and discipline
- Exploitation of children
- Lack of protection from degrading conditions
- Abuse and physical cruelty

Many different factors are involved in evaluating a neglect situation and arriving at decisions for appropriate action. This study is intended to clarify these factors and to indicate the possibilities for preventive action to forestall family breakdown or to correct conditions that contribute to neglect. It takes into consideration the needs of parents, children, and families in relation to the child's well-being, and the steps that may be taken to meet these needs. It indicates areas in which social services can help families change hazardous conditions and areas in which the court and legal agencies carry responsibility, and it discusses the administrative role and responsibility of the State public welfare agency for development of services for the protection of neglected children.





## I. THE NATURE OF THE CRITERIA

The term criteria is generally thought to designate precise conditions or characteristics that can be applied simply and mechanically to a situation or to a given set of circumstances. This is, unfortunately, not true in assessing parental neglect and its effect on children. In this context, criteria can be used only as guides in developing a picture of a family group - getting to know the parents and children so that evaluation and judgments may be made with an understanding of family relationships, the shortcomings in parental care most hazardous to children, the possibilities of change, and the consequences of separating parents and children.

Except in severe circumstances, for instance, when children are left without adult care or there is serious danger of physical harm, this evaluation requires time and continuity of contacts with the family. The process gives parents an opportunity to know what is expected and what help is available to improve home conditions. Thus, progressive re-evaluations are made on the seriousness of the threats to the child's growth and development, the steps to be taken immediately, and the long-range plans that are feasible.

This is not to say that the decision to refer to court for judicial review is postponed. The necessity for such action is reconsidered in the light of added information and deeper understanding of the children's situation.

### The Role of the State Agency in Development of Criteria

The development of guides, for staff use in assessing both home conditions and the ability of parents to carry the basic task of child-rearing, is by no means a new responsibility to State public welfare agencies. Many State agencies have defined suitability of homes, to test the capacity of the home to provide adequate care for dependent children supported by public funds. As a basis for evaluation, some State agencies have used a positive statement of the needs of children for growth and development. Others have defined conditions that are likely to result in physical, emotional, or moral damage to the child. Child welfare divisions have developed policy statements for protective services to neglected children.

But much remains to be done to clarify our concept of conditions destructive to child development and to refine further the skills essentials to alleviate these conditions.

The crucially important tasks are to make use of all the knowledge that has been gained by child welfare staff through years of providing specialized services for neglected children and by family service staff

in serving thousands of families under the severe stress of broken homes, financial need, illness, and all manner of social deprivation. The major goal of both programs is to find the most effective way to help distressed parents create and maintain family homes where children can grow to productive adulthood.

Throughout the nation there is increasing concern about the number of children separated from their families, many by court action. Too often these separations occur before parents have had any reasonable opportunity to make use of social service or other community resources to help them solve their problems. In many communities, especially in urban areas, the resources for sound placement of children are quite insufficient to meet the steady demand. This very fact ought to stimulate renewed effort to preserve family homes and spare children the risks and the burdens of living separately from their own families.

Undoubtedly, some parents are incapable of managing a family home and giving even minimal protection to their children, but the method of identifying such parents needs much refinement. Nevertheless, available diagnostic skills must be applied to each situation to secure for children who cannot be reared in their own homes the best possible substitute.

Only the combined efforts of the family service and child welfare staff of the State public welfare agency can develop a comprehensive, statewide program to correct hazardous home conditions. The common ground of criteria for assessing parental failure will provide a solid base for defining the responsibilities of family service, child welfare service, juvenile court, and private agencies, and thus will strengthen all programs serving children.

State agency leadership is essential in helping each county or community plan for comprehensive and unduplicated coverage for children who need protection. In some communities the public child welfare agency can offer continuing service for all neglect situations, including those of dependent children receiving Aid to Families with Dependent Children (AFDC). In a few communities, the private family or children's agency carries the protective functions. In some areas, the juvenile court has this responsibility, although rarely is it established as a casework service. Usually, the juvenile court looks to the social service agency to provide service even though the court probation staff investigates neglect complaints and prepares the necessary documents for petition and adjudication. In many localities, the public assistance staff has the responsibility for the social service program to protect children receiving AFDC.

State guidance is essential in formulating policy, planning adequate staffing patterns, and defining the expectation of staff and the over-all



purpose and goals of the program. The fullest possible consultant use of staff trained and experienced in this particular area also will be essential.

Effective use of all resources for strengthening family life and safeguarding children will depend not only upon a common understanding of basic criteria for evaluating neglect situations but also upon clear policy and procedure in acting on complaints, defining the necessity of referral to a specialized service, outlining methods of referral, and coordinating services both within and outside the public welfare agency. The effectiveness of all community agencies is increased when there is established machinery for regular conferences and consultation.

### The Use of Criteria

The criteria for assessing parental failure are used in many ways as the State and local staff of the public welfare department handle varied questions about each family situation that involves risks for children. The following questions need to be resolved, possibly tentatively at first and then with assurance as knowledge of the circumstance deepens:

- Is this a very troubled family group, faced with burdensome problems and liable to drift into more serious trouble unless immediate measures are taken to resolve some of these problems?
- Has this family moved across the line of questionable care to actual neglect of the children?
- Can adequate plans be made to correct this situation?
- Has family life so deteriorated that children are in immediate danger?
- Is referral for judicial review imperative, or can parents be expected to improve the situation quickly enough to risk delay?

No two family situations are alike. Children react differently to adverse conditions, but there are some common patterns of parental failure and children's responses.

The more experience that staff accumulates in careful observation of responses of parents and children, the more accurately can inadequate and unsafe care be distinguished from gross neglect and physical abuse of children. Public welfare staff see all stages of breakdown in parental care and parent-child relations, as physicians in a clinic see all manner of illness and physical disability. The severity of the social condition determines, in part, the decisions made by the social worker. When neglect and abuse are extreme, law enforcement agencies often have major

responsibility to protect the child, but this does not alter the social service responsibility to help both parents and children understand the circumstance and plan for future care.

Hopefully, criteria can be used effectively for early detection and prevention of serious conditions and for testing the degree of danger and urgency in the already deteriorated family situation.

Both State and local administrative, supervisory, and casework staff should share in testing criteria and refining policy as experience suggests different and more concrete definitions.

## The Criteria

"The other man is very like us in all great essentials of nature, in cherishing some ideals with like limitations and temptations and struggles."

This quotation from Dr. Henry C. King's book, The Moral and Religious Challenge of Our Time, is a reminder of the hardships and failures we all experience and a help in maintaining perspective as we examine the harsh and hurtful conditions in which some children live.

Even in situations where the harm to the child appears clearly evident and the acts of omission or commission by parents seem extreme and repugnant, human beings are involved - mothers and fathers, boys and girls, infants, toddlers, school-age children, adolescents. The circumstances have to be evaluated within human context. False images which visualize neglecting parents as a group apart, vastly different from other people, will be disastrous and the resulting evaluation far from the truth.

The criteria will cover not only the definition of neglect usually found in the juvenile court laws but also those areas of personal and social breakdown that are the concern of social work. It is important to be fully informed of the provisions of the laws of the State, but the social service concern goes beyond the legal definition. The court is responsible for judging whether or not legal neglect exists. The responsibility of caseworkers is to evaluate the physical and emotional impact on children and to apply an understanding of human problems to help correct what is harmful and to encourage individuals to find satisfaction in their respective roles and relationships.

## Lack of Physical Care and Protection

The inability of parents to provide a physical setting that is reasonably safe, clean, and comfortable is common in neglect situations. The inability of the mother regularly to provide food that is nourishing and

well prepared is another facet of breakdown in child nurture. The inability to provide comfortable and reasonably becoming clothes suitable for school and play, summer and winter, and to keep them clean and mended so that the child's appearance does not embarrass him or set him apart from his group is frequently another part of the parent's failure.

The lack of established, orderly daily routines is usually a symptom of family breakdown. These are disorganized households. Meals are irregular. The house is not straightened up. It is dirty - sometimes filthy. Broken windows or stairs and rough or splintered floors are a constant source of physical danger to children. Beds are broken, springs sag, mattresses and bed clothes, if indeed there are any, are not clean. The plumbing leaks; frequently it is out of order. Body cleanliness for children as well as adults is often neglected, and may lead to skin or scalp infections that isolate and embarrass children.

### Contributing Environmental Factors

In the great majority of households that lack physical care and protection for children, two factors are present: poverty and inadequate housing. Such situations are particularly pertinent to large family groups.

The following statement is quoted from a case record: "The family of ten is living in two rooms. The plaster is falling down; window panes were out, the plumbing leaked, the wind howled through the cracks and it was bitterly cold." Two young children with frostbitten hands and feet were removed from this home to a hospital.

This is the way a mother who was receiving public assistance described her third-floor cold-water flat to the judge at the neglect hearing: "It is an awful place to live. The wall paper is in strips, the floor boards are cracked. The baby is always getting splinters in his hands. The bathroom is on the floor above, two other families use it. The kitchen is on the first floor. I share it with another woman. I have no place to keep food. We buy for one meal at a time." This mother and her seven children live in this miserable setting but, as she says, "it had not always been that way."

For 12 years of stable married life this family had lived on the same street, attended the same school and church, and the mother had been an active member in the PTA. Tragedy struck when the father was killed and thereafter things went from bad to worse. The mother said that when they got to rock bottom, she went to the tavern to drink, leaving the children alone. Then she told the court about the caseworker's effort to help her and, as conditions grew worse, to warn her of the consequence if she continued to neglect her family responsibilities. She said to the judge, "My worker told me it was not right for me or my children to live this way, as though we didn't care about ourselves, but



I was too discouraged to listen and I was angry with her. I know now she intended to help me."

The court took into account not only the mother's failure but the burdens she carried and granted a trial period with continued supervision by the welfare board, to give her an opportunity to straighten out the family affairs. With the help of the board she did find a better place to live and, as she explained later, "new courage" to meet the hardships without retreating to the tavern. The children's appearance, their school work, and their school attendance improved.

### Potential Solutions

What this family needed was suitable housing, reasonably adequate income to meet realistically the expenses of a large family group, and the steady help of a caseworker to support and encourage the mother. Although housing for large families is not easy to locate, basic family services of this kind are the responsibility of the public assistance agency.

The children of this family group are talented. Had they been separated from their mother and placed under foster care, some might have done well but others would not have made out at all. Children from such family groups, where the outlook is less favorable, make up the bulk of the long-term foster care caseloads in public agencies. Each community should examine its basic services: family and child welfare, policy services, public housing to assure adequate resources for solving problems of families and children. Neglect, in families that live disorganized and disordered lives, is likely to be characterized by omissions. Because of discouragement, depression, or other immobilizing situations, the everyday tasks such as cooking, cleaning, and shopping are postponed endlessly. For the parent and homemaker, there is little sense of accomplishment or satisfaction.

Many parents whose performance in home management and money management is exceedingly poor have never had an opportunity to learn the necessary skills. Many came from a deprived background and are repeating the patterns of their own early lives. Some are limited intellectually, some so depressed in spirit that there is no energy left to make a family home comfortable and orderly.

Generally, these parents are responsive to encouragement and guidance and are able to make substantial gains with the help of a caseworker whose concern for their well-being proves that they are worthwhile people and that the welfare of their children is important to them and to others.

When destitution has been a way of life for a long time, more adequate personal and family functioning is not achieved quickly. It takes a long

time for some parents to overcome a sense of despair. However, with sufficient funds to provide minimum material necessities and with consistent recognition of small or slow gains, families can and often do create a vastly different and better way of life for themselves.

Public assistance agencies that are equipped to help families achieve this goal will provide such resources as:

- Extra rent allowance to house the large family group.
- Assistance in locating and obtaining suitable housing.
- Assistance with down-payment and upkeep to make home ownership possible.
- A casework staff able to participate actively in finding needed resources and helping the family to use them profitably.
- Volunteers who will take an interest in and assist with neighborhood and family problems.

### Lack of Supervision, Guidance, and Discipline

In our culture we expect parents to supervise the daily activities of their children, guide them as they learn the rules of the society in which they live, and discipline impulsive and uncontrolled behavior. Where parents fail in this respect ignorance and lack of opportunity are frequently causative factors. However, failure to carry this parental responsibility does occur in households on all economic levels.

Erratic discipline and lack of training frequently occur in families where physical care and protection are also inadequate. However, this lack of consistent direction also occurs in well-run households where the children's physical needs are met.

Children are likely to interpret this indifference to their personal and social development as lack of affection, as proof that parents care too little about them as individuals to help them master the skills of getting along with others and learning acceptable conduct. The child's sense of rejection is frequently well founded. In such cases parents frequently are so beset by their own problems that they resist the dependency of their children. Their own immaturity prevents them from accepting responsibility for their children's development.

Such children often react by hostile behavior. They are aggressive and destructive. They steal and fight and break windows. Parents complain bitterly that the children are beyond their control, with little or no awareness of the part they themselves play in the situation.

The degree to which children are deprived of parental guidance varies widely. Some mothers give quite adequate care to infants and young children, then fail conspicuously to foster the child's growing independence, abandon the task of discipline, and fail to establish any rules for more mature behavior.

Children who receive little stimulation to grow, step by step, into doing things for themselves by sharing household tasks and finding their appropriate place in the family group, are likely to be tense and anxious. Their equilibrium is easily upset. They are given to temper tantrums. The longer this goes on the more serious are the adjustment problems. Youngsters so deprived do poorly as they move out of the home into school. They have not learned to get along with others, to wait their turn, or to apply their energies to learn new skills.

Some children respond to this too permissive atmosphere by withdrawal. Usually these are fearful children who remain aloof and uninvolved. They are onlookers instead of participants in school and social activities.

The disturbances these children create bring them frequently to the attention of the public agency through reports from nurses, teachers, and clinic personnel.

Early detection is extremely important. The sooner parents and children are helped to examine these patterns of behavior, the greater the possibility of reversing the trend and sparing the child increasing difficulty as he grows older.

Parents who neglect this area of parental care frequently are resistive to the caseworker's effort to help them. They commonly blame others, including the child. They offer a variety of excuses to prove they can do little to change the situation. In this group are often mothers who work at least part-time out of the home and make no safe or satisfactory plan for the care of children in their absence. Young children are left alone or with an older child who is overburdened and ineffective in supervision.

The agency's intervention needs to be based upon conviction that change is essential for the safety and well-being of the children. The agency's authority to insist on more responsible care often induces parents to examine their own positions. While they may protest vigorously, they are actually relieved to find strength in an outside factor that requires something of them.

## Exploitation of Children

Exploitation of children usually occurs in family groups where there are many problems and serious social pathology. Sometimes children



are openly taught to steal; in other instances they may be only furtively encouraged to steal or participate in other anti-social behavior to satisfy the parents' own desires. Some exploited children are sent out to beg or are used as go-betweens in the narcotics traffic. Girls sometimes are encouraged in prostitution or misused by the parent or other adult members of the family. Frequently the hazard in such situations calls for prompt referral to court to safeguard the child from further damage.

The remedy is not necessarily the incarceration of the parent and dispersal of the children. A diagnostic study of the family situation is the only sound basis for planning. Too hasty action that leads to jailing of the mother and haphazard plans for the children can do great harm. Children are closely identified with their mothers and may strongly resent separation. This feeling leads them to resist plans for substitute care.

Parents who expose children to such destructive conditions often themselves have been exploited and suffer from deep-seated character disorders. In some cases, efforts to help such parents find satisfaction in more socially acceptable behavior fail and permanent separation through termination of parental rights is the only way to protect the children.

However, before such final decisions are considered, it is important to use psychiatric and psychological resources for a thorough diagnostic evaluation and to give parents every opportunity to get help with the personal problems that interfere with normal parent-child relationships.

The more frequent and less pathological forms of exploitation also adversely affect children. Children may be overworked, or expected to take unreasonable responsibility for household tasks and care of younger children. Children who are kept out of school or denied time for normal school recreational activities are deprived of important opportunities for intellectual and social development. In such cases, the welfare agency has a responsibility to help families plan household management and child care so as to protect the rights of the children to sound educational and recreational experience.

### **Lack of Protection from Degrading Conditions**

It is important to recognize the difficult task faced by parents who must live in slum areas where children are exposed to many dangers. Overcrowded households force children into the streets and sometimes into places where they may become victims of juvenile delinquency or adult degradation.

In some isolated rural areas, there are groups who are so withdrawn from contact with the larger community that inbreeding and deteriorated family and social life may result. Adults generally resent any effort to

help them change these lifelong patterns. The rights of the children to be reared in a more normal environment require careful consideration.

Alcoholism, promiscuity and criminal activity on the part of parents endanger children. Excessive drinking, gambling in the home, or immoral and bizarre sex practices subject children to serious emotional problems and distorted development.

These severe personal and family problems need the most skillful service the agency can provide. The important question that must be resolved is whether the children can remain at home while efforts are made to help their parents.

### Abuse and Physical Cruelty

In the total picture of neglect, the percentage of abused children is small. Parents who are physically cruel to children are usually suffering from pathological conditions.

Physical punishment is a common form of child discipline. The practice differs among cultural groups. What may appear severe to some is not considered so by others. Brutal treatment is, at times, associated with fanaticism and rigid, unreasonable behavior standards. Beatings are administered with self-righteous fervor. Both physical and psychological damage to the child can be severe and there may be far-reaching consequences.

Characteristically, abuse of children is not related to a child's misbehavior. Parents frequently describe some trivial annoyance that led to cruel treatment. Physical cruelty sometimes is associated with alcoholism or drug addiction, with a resulting loss of the parent's good judgment.

Both medical and social work literature in the past few years has reported on the phenomenon of physical abuse inflicted on infants and young children by their parents. This is commonly referred to as the battered-child syndrome. The children sustain serious injuries to bone and soft tissues that result in permanent crippling or in death. A national survey of hospitals in 1961 indicated the admission of 302 such cases. Of them, 85 suffered permanent brain damage and 33 infants died.<sup>1</sup>

---

<sup>1</sup> Kempe, Henry C., and others. "The Battered-Child Syndrome." Journal of the American Medical Association, Vol. 181, No. 1, July 7, 1962, pp. 17-24.



As yet, only superficial facts are available about the parents who inflict such injuries. Current experience indicates that (1) adults who inflict injuries on children are likely to repeat the attack, (2) the adult is not reacting to specific behavior but to his own feelings, (3) police warning, court action, and probationary status have been ineffective as deterrents. In these circumstances, young children are dependent for protection upon the social, medical and legal agencies. Reports of abusive treatment from any source, or the observation by the worker of bruises and injuries suffered by the child, are sufficient reasons to make a thorough investigation of the family situation and to seek medical opinion and, where available and indicated, psychiatric advice. Parents are likely to be evasive in discussing their relationship to the child, and suspicious of agency action. Occasionally parents are relieved to express their true feelings about the child and to participate in plans for his care outside the home. Frequently an expression of severe hostility is directed to one child in the family group while other children are given adequate care.



## II. BASIC CONCEPTS IN PROGRAM DEVELOPMENT

There are a number of basic social and psychological concepts that apply to all programs directed toward the protection of children. The needs of children for sound growth and development are best met by parents whose own satisfactions in family and social life are supported by personal fulfillment and reasonable economic security. Adverse conditions in the adult's life weaken his capacity for effective parenthood. The principles of child protection are related to understanding parent-child relationships and the needs of both adults and children.

These concepts and principles provide a frame of reference in program planning, policy development and day-to-day practice in the field of child protection. The material covered in this section is drawn from a number of sources. It is included for easy reference for State and local staff as they examine and develop programs on the protective responsibility in AFDC.

### Principles of Child Protection

1. A child's own home and his continuing, meaningful relationships with his own parents, close relatives, and other family members are of prime importance to him. These basic sources of security, so important to normal development in childhood, may be threatened by even a short period of separation. Children can withstand many adverse conditions so long as they have a sense of belonging in a family group where affection between family members strengthens the ties of kinship. Membership in a family group establishes the individual's identity - who he is and where he belongs. Children are loyal to family and parents even though parents may be ineffective in meeting many of their needs.

Sometimes neglected children are fiercely loyal to parents who, to all appearances, have offered little protection or affection. Dr. John Bowlby expresses this emphatically in a report prepared under the auspices of the World Health Organization:

"The attachment of children to parents who, by all ordinary standards, are very bad is a never-ceasing source of wonder to those who seek to help them. . . . Efforts made to 'save' the child from his bad surroundings and to give him new standards are commonly of no avail, since it is his own parents whom, for good or ill, he values and with whom he is identified. . . . These sentiments are not surprising when it is remembered that, despite much neglect, one or the other parent has almost always and in

countless ways been kind to him from the day of his birth onward, and, however much the outsider sees to criticize, the child sees much to be grateful for."<sup>2</sup>

2. Many parents who have failed in important ways to meet their child-rearing responsibilities have experienced great hardship in their own lives and were unprotected and uncared for during their childhood. This deprivation has interfered with their capacity to be parents. Despite their handicaps, many of these parents can, with the support of a skilled casework service, learn to manage a family home and look after children adequately.

Public welfare staff who have participated in special projects or concentrated efforts to help families beset by multiple problems and discouraged by long years of dependency have concrete evidence of the great improvement that can be achieved in family functioning and child care. The potential for improved family living usually cannot be estimated until families have an opportunity to work on serious problems with a concerned caseworker. Many families have had only minimal opportunities to improve their own situation. The AFDC program has the challenging task of bringing to more and more parents the help they need to strengthen family life so that children are spared the uncertainty and heartbreak of separation.

3. Once a family is dissolved and parents and children are separated, there is the danger that connections will be lost. Parents will drift away from their children, homes will be broken forever, children will be rootless and without enduring relationships elsewhere.

The seriousness of that risk is emphasized in the recent research report, Children in Need of Parents.<sup>3</sup> More than a quarter of a million children in the United States live away from their own parents or close relatives, in foster homes or institutions. Most of these children have parents somewhere, but far too many have no regular contact with them. For most it was not intended that the placement should be permanent, but it has become so as the months and years of childhood went by.

---

<sup>2</sup> Bowlby, John. Child Care and the Growth of Love. Whitefriars Press, Ltd., Printed in Great Britain; Published in Pelican Books, 1953. 190 pp.

<sup>3</sup> Maas, Henry S., and Engler, Richard E., Jr.; in collaboration with Felten, Zelma J., and Purvine, Margaret. Children in Need of Parents. New York: Columbia University Press, 1959. 462 pp.



Many thousands of children are growing up without the security of their own homes or any guarantee that their relationships with foster parents will be sustained throughout their childhood. Far too many move from one foster home to another, from one institution to another, until the capacity to establish relationships with others is lost and they are subject to all of the crippling emotional disturbances that occur when children are not sure who cares about them, where they belong, or whether they are worth very much. These are the disturbing facts that a careful inquiry into foster care revealed.

4. Despite the fact that the majority of parents can improve their child care practices with sufficient financial resources and the help of the caseworker, there are some families who will be unable to achieve an acceptable degree of protection and care. To identify such parents as promptly as possible is a task that requires constant consideration and careful analysis.

Some parents suffer from severe emotional disturbances or mental illnesses that make it impossible for them to bear adult responsibilities. Some are so handicapped by lack of intellectual ability that they cannot meet the varied demands of running a family home and rearing children. For some parents, faulty personality patterns that lead to alcoholism, promiscuity, or prostitution are firmly established and cannot be modified sufficiently to permit them to respond to the needs of children.

5. The casework supervisor and consultant staff who share the responsibility to evaluate a home situation and to assess parental failure and its effect on children need knowledge and skill in judging the meaning of social experience to people, sensitivity to the way people express hurt, anger, and fear, and ability to communicate with and gain the confidence of people who are suspicious and find communication difficult.

The staff who carry protective responsibility for children constantly face the dilemma of too hasty decision that children are in immediate danger and must be removed promptly or too long-delayed action in behalf of children in unsafe situations. To find a balance between these two extremes takes experience, ability, and willingness to re-examine past decisions and test them against knowledge of the outcome.

6. A social service program that protects children from neglect must have certain basic characteristics such as (1) staff available to respond promptly to reports and complaints of neglect, (2) expectation that once questions have been raised with parents, there will be regular contacts with the family until the questions have been resolved, (3) consistent supervision that supports the worker and helps to evaluate experience with the family and plan next steps, (4) available medical and psychiatric resources that can be used to help the family and the

agency make sound decisions, and (5) available foster care resources to serve those children who require placement.

## Needs of Parents

Parents are people before and after and while they are parents. The better people they are, the better parents they are. Adverse economic and social conditions affect the ability of individuals to rear their children in such a way that the children will reach adulthood with independence of spirit, expecting to contribute to their community and their society. Poverty takes its toll in individual and family lives. Unemployment and financial dependency can lead to feelings of hopelessness and helplessness. Insufficient funds to meet basic family needs lead to listlessness and despair.

The following facts have a direct bearing on problems of child protection:

- As late as the year 1959 an estimated 33 million persons in the United States had annual incomes of less than:
  - \$1,325 for a couple or for a mother and child
  - \$2,675 for a family of four
  - \$4,000 for a family of six
- Of this 33 million persons:
  - About one-half live in cities; about one-sixth on farms
  - Half live in the South, where 3 of every 10 families are in this group
  - Almost three-fifths are members of families with 6 or more members
  - About half are children under age 18
- Approximately 41 children per 1,000 children under 18 in the population are in families receiving AFDC.
  - The average annual amount of assistance payments to these families is less than \$1,600
  - The average annual amount of assistance payment per recipient is about \$375
  - In more than half the States the average is less than \$1,600 per family and \$375 per recipient.<sup>4</sup>

---

<sup>4</sup> U.S. Department of Health, Education, and Welfare. Social Security Administration, Social Security Bulletin, Vol. 26, No. 4, April 1963, and Vol. 26, No. 5, May 1963.

No social service to protect children can substitute for enough money to buy minimum food, shelter, and clothing. The misery of hunger and cold creates personal and family breakdown. Prolonged and severe insecurity robs the individual of initiative, interests, and talents.

When social and economic conditions create hardships for adults, they create equal hardships for children. If opportunity is important for child development, it is equally important for satisfactory adjustment in adult life. These are some of the essential needs of parents:

1. Parents need a sense of basic financial security. Without it, the basic forces of fear, shame, and hate in the personality are likely to rule the individual's life. It is then, with these forces in control, that the parent deals with his children. Children are quick to sense a parent's feeling of weakness; seeing parents afraid, they are quickly made afraid: seeing parents humiliated, they, too, are ashamed: feeling their parent's anger, they themselves strike out in anger.

2. Parents need to work and to have the work they do considered by themselves and others valuable, whether it is household management and child rearing or employment in industry, business, or the professions. Adults need to carry responsible tasks. The value orientation of our American society puts great stress on achievement and success, especially occupational success.

3. Parents need continuity and stability in their personal lives. Affectionate relationships between father and mother, parent and child, afford the deepest satisfactions in human experience. Failure to achieve satisfaction in such relationships condemns the individual to isolation and loneliness. It is through the intimate, day-to-day relationships that a person finds a feeling of importance to others--a feeling of comfort and concern. He develops a sense of loyalty in a setting in which he expects to look after others and also to be looked after.

4. Parents need to be identified with social groups outside the family circle; that is, they need a variety of social relationships that provide pleasure, satisfaction, development of social skills, and a sense of status. Adults who are deprived of stimulating social relationships suffer all the evils of isolation. Their parental functioning becomes very much impaired. The constant company of children, however much one loves them, becomes wearing and tiresome. Children profit by the social activities of parents who have fun, enjoy new experiences, and come home to repeat to the children stories of all that is going on in the outside world. If parents come to dread outside contacts because they cannot dress well or do not have the money to participate as others do or feel slighted and left out, they will convey to their children their feelings of social failure. The children may also develop a serious feeling of inferiority, of not being able to go where others go



and do as others do. If this feeling deepens, they will have a sense of being outcasts. This ill-equips them to face a complex, competitive world.

5. Parents need to have confidence in the community resources available to help meet children's needs, such as educational, recreational, medical, and social services. In this complex world parents need help in many areas, including financial assistance offered in such a way as to preserve dignity and self-respect.

## Needs of Children

Children have an inborn urge to grow, and unless this urge is stunted by an unresponsive, unfriendly environment, it will move the child along the developmental path into adulthood. Their fundamental needs have been defined by many scholars in psychiatry, psychology, and related disciplines; these also must be met if the child is to achieve his growth potential. Basically, children need consistently affectionate care from mothers, fathers, and other members of the family group. Moving on from this primary requirement, Dr. Erik Erikson presents a dynamic statement of developmental needs of children that may be summarized as follows:

A child needs to develop a sense of trust in the world around him. This sense of trust starts early from the everyday comforts and attention the baby receives in being fed and bathed, dressed and cuddled. Deprivation in infancy and early childhood has far-reaching, devastating effects that may leave deep scars. The infant is totally dependent upon his mother or a mother substitute for attention to his physical needs, without which attention he would die; but also for her closeness, her tenderness, without which he might also die. A sense of trust is not achieved by a tiny child if he is chronically hungry, or cold, or comes unwelcome into a family group already burdened by economic deprivation. When a toddler is severely deprived, he loses the urge to learn to use his developing physical and social capacities.<sup>5</sup>

Children can withstand many adverse conditions if in their early years they have developed a feeling that their world is essentially kind and predictable. But this sense of trust, once established, is not indestructible. It can be lost at any time during the child's growing years if the deprivations are too serious and continue for too long a time. These are some of the essential needs of children:

1. The child needs to develop a sense of identity, a strong feeling of who he is and where he belongs. The realization that he belongs in a

---

<sup>5</sup> Erikson, Erik W., Childhood and Society. New York: W. W. Horton & Co., 1953. 388 pp.



family group is the basis for the development of this valuable sense of identity. The loss of family creates great problems in this area, and often results in a loss of self-respect without which the child lacks strength to meet the inevitable problems and complexities of living.

Most children born into families who see themselves as already defeated socially and economically will attain quickly the same image of themselves as individuals, and thus important growth potentials are lost.

A child who cannot feel a sense of true identity with his family, with its strengths and successes as well as with its weaknesses and failures, is an endangered child. Normal problems of adolescence and adult life may find him without a sense of personal assurance sufficient to carry him through productive school life toward independence and successful adult life.

2. A child needs to feel that he is a valued member of a family group in which his contributions will be appreciated, his uniqueness understood, and his errors corrected and forgiven. This is the way in which a child learns his importance in the lives of others and gains a sense of comfort and security. Children who fail to find this sense of belonging are always sad and lonely children. When their feeling of isolation is great, they may be subject to serious emotional and mental disturbances. Loneliness is a shattering human experience.

Great numbers of lonely children are to be found in the overcrowded households of urban and rural slums, in carelessly-run day care centers, in foster homes and institutions where no meaningful ties to a parent substitute have been formed.

3. A child needs to develop a sense of initiative - a desire to do things for himself, to explore, to make use of his capacities. This is best attained in a setting where the people of importance in the child's life encourage such growth -- where small achievements are acknowledged, where praise is abundant, where talents are fostered. A child with a good sense of initiative becomes less and less dependent, and he is not likely to develop problems of dependency as an adult. He expects to carry his load and make his way, adding his contributions to the community of which he is a part.

Initiative is stimulated by parents who themselves have confidence that effort and skill will be recognized and rewarded, and can transmit this feeling of confidence to the child.

4. A child needs to develop a feeling of satisfaction in cooperation. He needs to learn to live with others in the give-and-take of everyday, intimate family relationships. This is the beginning step in developing a sense of responsibility, of being a part of a group. And as the child

moves outside the family circle, he becomes a participant in the life of the school, the church, the recreation center, not preoccupied with meeting only his own needs, but able to recognize the needs and rights of others and accommodate to them. Children reared in a family group where a hostile, competitive atmosphere prevails tend to adopt and retain angry and uncooperative attitudes throughout their childhood.

These are not simple needs to meet, and the tasks of parents have become more difficult as the complexity of our society increases.

## Needs of Families

In the family home and in the community, an atmosphere that promotes the development of children and sound mental health for adults is fostered by the public welfare agency that critically examines its policies in relation to their impact on the physical and spiritual well-being of the individuals. The attitude of public welfare staff will have great influence on the families served. Staff that meet distressed families with genuine respect for them and sensitive concern for the problems that interfere with satisfying family relationships will contribute to the developmental needs of children. Staff express the agency's basic philosophy in their day-to-day relationships with their clientele.

The more the agency values the mother's role in child rearing, the more it will support and help her to sustain that role to the very best of her ability. The more the agency values the mother as an individual, the more it will help her make important decisions about family and personal affairs. This basic philosophy of the agency has its greatest impact when it serves the families who have been least successful in conforming to the communities' standards of child care and adult behavior. Punitive and restrictive policies will not help such families solve problems, but will only confirm their sense of worthlessness and defeat. Indifference which expresses itself in the belief that such problems are the responsibility of other departments or agencies will convince the family of the agency's lack of interest in their difficulties.

The public welfare agency that accepts its role in the protection of children will express that responsibility in its policies, in staff selection, staff training, and staff use. Caseloads will reflect its intention to offer each family a caseworker who will consider the family's welfare his responsibility, in much the same way that a good family doctor carries medical responsibility for his patients, introducing specialists as needed but never relinquishing his role as their physician.

The public welfare agency will cooperate with the community's social services, but will protect its clients from becoming lost in complexity. When necessary social resources are lacking, the public agency will be a forceful spokesman for the families and children it serves and interpret to the community the consequences of gaps in services.

### III. PUBLIC WELFARE AND PROTECTION

The basic purpose of the Aid to Dependent Children (ADC--now AFDC) program established in Title IV of the Social Security Act in 1935 was to prevent the disruption of family homes (on the grounds of poverty alone) by making it financially possible for families to rear their children. This was to be effected by assistance grants, the amounts depending upon the family circumstances. The Federal public assistance policy defines the program's purpose as follows: "To assure children the opportunity to (1) grow up in a setting of their own family relationships; (2) have the economic support and service they need for health and development; (3) receive an education that will help to realize their capacities; and (4) share in the life of the neighborhood and community."

#### Public Assistance

Both Federal and State agencies recognize the responsibility not only to meet financial need but to assist with the social problems that may have caused the breakdown in family functioning. The skill and knowledge basic to any social service program are, therefore, required to meet the purpose and responsibility of Aid to Families with Dependent Children.

The issues involved in administering a "suitable home" clause as a factor of eligibility have raised searching questions about the public welfare agency's responsibility for the protection of children.

The policies of 24 States have included at least some reference to the agency's responsibility to see that children were in suitable homes. In 16 of these programs it was clear that, in questionable situations, assistance was to be provided until the family had an opportunity to meet the requirements or until other arrangements were made for the child. In some instances this involved referral to child welfare service, and in others the public assistance agency assumed responsibility for special service to the family.

When such provisions were well administered with the intention of promoting the child's welfare, they expressed the agency's concern that children receive all the potential benefits of the ADC program. Nation-wide concern was expressed about the consequences to children when, although assistance was denied because of an unsuitable home, no protective action was taken by the agency.

The 1962 amendments to Title IV of the Social Security Act emphasized the agency's responsibility to each child by requiring the agency to know the home conditions, the problems, if any, in child rearing, and the child's specific needs.



The extent of neglect of AFDC children is relatively unknown. Findings from special studies and surveys in several States would indicate that the percentage of neglected children is low. However, many children served by this program are deprived and many live in great hardship because assistance grants are inadequate. This diminishes the capacity of parents to look after their children satisfactorily and often leads to family breakdown.

While the AFDC program shares the responsibility for child protection with other community agencies, such as juvenile court, child welfare services, or societies for the prevention of cruelty to children, it also has a unique role: to plan in behalf of dependent children. It has major obligation to see that appropriate and effective service is available to those neglected children in its caseload. Whether the service responsibility is carried by public assistance staff or through child welfare services or other community agencies, the final obligation, to know that children are not in jeopardy and to assist as needed with substitute plans when the child's own home fails to provide adequate care, rests with the AFDC program.

The assessment of home conditions and parental capacities is the most difficult and demanding of the social service responsibilities. The judgments reached have enormous implications that affect fundamentally the lives of adults and children. All public welfare staff in both the State and the local agency who act in behalf of the child need the firm support and direction of an agency philosophy and purpose.

The first obligation of the agency is to know the child, identify his particular needs, and consider, with the parent, how his needs are best met. Periodic study of the children's situations reveals those who need educational, medical, or social services. Early detection of potentially serious problems, followed by prompt and appropriate action, can prevent an accumulation of difficulties. The State agency describes for all local agencies the purpose of this part of the program, specifying that the agency plan with parents for medical attention for the ill or physically handicapped child; for clinical evaluation and suitable care for the child who appears mentally retarded or emotionally disturbed; for special opportunities and guidance for the child with school problems.

Collection and analysis of data on children's needs for particular medical, educational or social services makes available information that is most useful in preventing gaps in services and in planning for better coverage.

Comprehensive knowledge about the children in the AFDC caseload can guide staff assignments. Some families carry family responsibilities capably and, so long as they know how to reach the worker and feel sure of his attention when problems arise, they manage well.

Other families need regular visits. The one-parent family with several young children, the unmarried mothers, and the parents with limited intellectual ability generally need frequent and regular contacts to support and encourage them and to make practical suggestions about home management and child care. Caseload assignments should permit staff the time to contact each family as frequently as is necessary to meet that family's need for the agency's service.

Disorganized families, who fail in major ways to provide satisfactory care of children, require special administrative planning. Such questions as size of caseload, use of experienced supervision and consultation, coordination of the agency's service with other programs, including child welfare services and mental health resources, need to be resolved. These parents do not seek help and they do not readily accept suggestions about use of other community resources. They have to be held firmly to definite requirements in looking after their children. Frequent contacts with school, court, and clinical personnel make demands on the time and energy of staff.

While bringing to bear the agency's full resources in working out solutions to these serious problems, it is imperative to spare the children unnecessary separation as well as to protect them from prolonged damaging situations.

### Community Resources

Federal and State programs for the protection of children are supplemented by a number of private organizations, many of which have been in existence considerably longer than the State or national agencies. The New York Society for the Prevention of Cruelty to Children, the first of the protective societies, was incorporated in 1875. A second society for the same purpose was organized during that year in Newburgh, New York.

By the early 1900's many cities and counties, especially in urban areas, had established such societies. These organizations were partly public and partly private and were granted charters to investigate and rescue children from conditions of neglect and abuse. Frequently staff members were deputized and known as agents. In some instances they developed a reputation for being hard-bitten investigators, largely bent on assembling sufficient evidence to make an air-tight accusation against parents so that they could remove children from their own homes and place them in an environment where the child would learn better ways. Communities varied in their attitudes about the activities of the agents. Some agreed heartily with the prompt removal of children from bad influences and bad parents. But others felt concern for parents whose rights seemed easily abridged.

By 1920 a number of these protective societies were interpreting their functions more broadly. Major goals of punishing parents and placing children had given way to the aim of rehabilitation. In the annual report of the New York Society in 1919 this statement is made:

"The assistance of and supervision rendered by the society in the rehabilitation of homes has continued to be a most gratifying feature of its work. Children are removed from the custody of their parents or guardians only when such action has become imperative and in every case effort is made to encourage in parents a proper sense of responsibility and a determination to reconstruct their homes under better standards in order that their children may be returned to them. Every effort is made to save the children to their home."<sup>6</sup>

In 1921, Dr. C. C. Carstens, then the director of the Child Welfare League of America, declared that the protection of children was a public duty, and that it could not safely be left under private auspices, partly because the coverage was so limited. Dr. Carsens outlined the States' responsibility for child protection. In every community, he suggested, services must be provided to protect children from:

- Physical abuse
- Exhausting and degrading labor
- Lack of suitable physical care
- Damaging or immoral associations
- Disadvantages of out-of-wedlock status
- Handicaps of physical and mental defects that can be alleviated by medical and educational means.

Recognizing the limited resources of private agencies, he concluded, "It is of the utmost importance that a new public service in child protection should be created--to give unfortunate children a 'square deal'."<sup>7</sup>

During the next three decades, the extensive growth in psychological understanding of parent-child relationships supported the steady shift of emphasis in child protection, under whatever auspices, from rescue of children from neglect situations toward prevention of family breakdown and assistance to parents to improve home conditions. The

---

<sup>6</sup> The Annals of the American Academy of Political and Social Science. Child Welfare, November 1921, No. 187, p. 137.

<sup>7</sup> Ibid., p. 142.



experience in use of the social casework method indicated that most parents were deeply concerned about problems of neglect and wanted to keep their children with them. Thus the early attitudes of hostility and punishment gradually gave way to new concepts which emphasized the protective and helpful role of child welfare agencies toward the goal of preventing family breakdowns.

The enactment of the Social Security Act in 1935 provided the first nationwide basis for protection of children through public welfare services. The impact of Title IV and Title V has been tremendous; the financial support available under ADC permitted a vast increase in the number of children who were able to remain in their own homes rather than be transferred to foster care.

As the public child welfare services and the private agencies serving neglected children examined the professional problems involved in assisting children whose parents seemed to lack concern for their welfare, the term protective service came to be restricted to technical use. It was defined as applicable to those children whose parents were failing to carry their parental responsibility.

This designation of a specific service for neglected children did serve to clarify some of the basic problems in such a program. A new approach to the use of authority as a helpful factor was developed. The difficulties of establishing a sound and workable relationship with parents who did not seek outside help were examined. Stress was placed on the necessity to clarify the complaint and inform parents of the nature of the concern or the circumstances that were a danger to the child's development. The importance of sharing the facts with parents and inviting their full participation in examining steps to be taken to improve the care of the children was recognized as an essential factor in casework service. As this approach was crystallized and skill was developed in handling these difficult relationships in which suspicion and hostility were often extreme, the percentage of children referred to the courts steadily declined.

These developments raised questions about the responsibility of agencies whose major function was public assistance, family service, or general child welfare services, to carry on protective supervision of children. In communities where a specialized service is available and equipped to carry full responsibility for children actually endangered by parental failure, such a separation of function may be advantageous. Experience has indicated that workers who carry total responsibility for this kind of service develop a competence and understanding of the problems involved much more easily than workers carrying diversified loads.

The danger in assuming that a "protective service" will carry full responsibility for problems of neglect is that under such an assumption

preventive services may be overlooked and referrals delayed. Again, a sense of responsibility for protection of children in AFDC families may well have suffered because this was considered the function of a specialized or child welfare agency.

Effective coordination of family and children's services is the only means by which all children will receive the protection they need. The knowledge gained through the operation of specialized protective services is transferable and can be used in many settings.

Careful definition of responsibilities of each agency serving children and a wise use of all community resources are the only ways to achieve the goal of adequate preventive and protective services in behalf of children.



#### IV. NEGLECT: RESPONSIBILITIES OF LEGAL AND SOCIAL SERVICE AGENCIES

"The independent, unplanned, unregimented freedom of action of its rich and powerful members is not the test of a free society. The test of a free society will be found in the scope of rights and privileges possessed by its weakest elements -- those who are under the greatest pressure to surrender their independence." <sup>8</sup>

Most State laws delegate to departments of public welfare certain duties and responsibilities for the care and protection of children, expressing in legislative intent broad purposes and goals of safeguarding and promoting the welfare of children. To guide and direct the actions of an administrative agency, some State public welfare laws include definitions of a neglected child, a dependent child, and a child in danger of becoming delinquent. Such definitions are not directed toward any particular group, such as those receiving public assistance.

##### Legal Responsibilities

The legal judgment that a child is neglected, and that this condition of neglect exists because parents, guardians, or custodians have failed by acts of omission or commission to care properly for the child, rests with either the juvenile court or the court of domestic relations. Each service -- the court and the administrative agency -- has a distinctive role. The administrative agency never acts in a judicial capacity and the court usually and properly stays in the field of determination of fact, weighing circumstances and making decisions that safeguard the child, rather than giving direct care to children.

It is important to emphasize this point. The determination that neglect exists and endangers the well-being of children is a responsibility of the court of proper jurisdiction. Once the court makes such a determination, it is the court's responsibility, within the powers and limits defined by law, to act in the best interest of the child. The court alone may remove custody from parents and require that a child live elsewhere. The court may require parents to take certain steps to improve conditions and, in so doing, may order a period of protective supervision through one of the public or private social agencies in the community. Parents are bound by such orders and there are certain known consequences if the directions of the court are not carried out.

While juvenile court processes differ markedly from procedures in criminal court, by being less crime-and-punishment centered, the

---

<sup>8</sup> Smith, A. Delafield. "Community Prerogative and the Legal Rights and Freedom of the Individual." A paper delivered at the National Conference of Social Work, May 1946.

juvenile court is as obligated as any court of law to uphold and protect the individual's rights. Some member of the court's staff customarily informs persons charged with neglect how they may exercise their rights. They are advised of court procedures and informed that testimony is taken under oath. It is most important that these processes never be dispensed with, that the legal rights of parents be carefully safeguarded. Parents charged with neglect are often disadvantaged people who rarely know how their legal rights may be properly exercised.

The function of the juvenile court, generally expressed by individual concern for each child, has great value. There are also hazards. Chief Justice Arthur T. Vanderbilt warns of some of the dangers. He writes, "In their zeal to care for children neither juvenile judges nor welfare workers can be permitted to violate the Constitution, especially the Constitutional provisions as to due process that are involved in moving a child from its home. The indispensable elements of due process are: first, a tribunal with jurisdiction; second, notice of a hearing to the proper parties; and finally, a fair hearing. All three must be present if we are to treat the child as an individual human being and not to revert, in spite of good intentions, to the more primitive days when he was treated as a chattel." <sup>9</sup>

Four principles essential to the application of "individualized justice" are outlined in the publication, Standards for Specialized Courts Dealing with Children.<sup>10</sup> They are:

1. The conditions under which the State is empowered to intervene in the upbringing of a child should be specifically and clearly delineated in the statutes. Whenever the State seeks to intervene it should be required to show that these conditions do in fact exist with respect to the child and that its intervention is necessary to protect the child . . .
2. Both the child and his parents are entitled to know the bases on which the State seeks to intervene and on which it predicates its plan for the care and treatment of the child. They are equally entitled to rebut these bases, either directly by questioning witnesses, or indirectly by

---

<sup>9</sup> Virtue, Maxine Brood. Basic Structure of Children's Services in Michigan. Ann Arbor, Michigan: The American Judicature Society, 1953, p. x. (Foreword by Arthur T. Vanderbilt, Chief Justice, Supreme Court of New Jersey.)

<sup>10</sup> U.S. Department of Health, Education, and Welfare. Social Security Administration. Children's Bureau. Standards for Specialized Courts Dealing with Children. Prepared by the Children's Bureau in cooperation with the National Probation Association and the National Council of Juvenile Court Judges. (Children's Bureau Publication No. 346.) Washington: U.S. Govt. Print. Off., 1954. 99 pp.

presenting facts to the contrary. This means that rules of evidence calculated to assure proceedings in accordance with due process of law should be applicable to children's cases. However, it is essential that these rules of evidence be especially designed. They should protect the informality of the hearing and avoid the needless legalisms of the rules of evidence customarily applicable to other judicial hearings. But at the same time they must assure that there will be an orderly presentation of credible facts in a manner calculated to protect the rights of all concerned.

3. The statute should authorize the court to take specific actions in relation to certain causes rather than allow it unlimited discretion to make any disposition or to order any treatment that it may think advisable. It must, however, have wide discretion within the range of specific actions authorized.

4. There should be certain procedural safeguards established for the protection of the rights of parents and children. Although parties in these proceedings may seldom make use of such safeguards, their existence is none the less important. They are important not only for the protection of rights but also to help insure that the decisions affecting the social planning for children are based on sound legal procedure and will not be disturbed at a later date on the basis that rights were denied.

While the services of the court and the services of an administrative agency are often closely connected and sometimes overlap, only a court can:

- Determine the need for court action on the basis of the information presented about the situation.
- Prescribe the format of petitions and define the information necessary to complete the petition.
- Determine that the child is within its jurisdiction and therefore the court has authority to act.
- Establish the facts as set forth in the petition.
- Make decisions on the custody of the child and the care and treatment needed to safeguard his welfare.

The investigation of neglect conditions and the development of the social study may either be handled by the court probation staff or be delegated to a private or public agency.

It is most important for the public welfare agency and the court to clarify the services to be carried by each staff member and to work



out appropriate methods and procedures. The greater the understanding between court and agency personnel, the more effective will be their working relationships.

## Social Service Responsibilities

When the department of public welfare is assigned by law certain social service obligations to minor children who are in need of care and protection, this is done because neglect of children is recognized as a social as well as a legal problem and with the hope that the social services may be able to eliminate or to help families modify serious problems that lead to neglect. It is one way of upholding the principle of social justice, and it recognizes the State's interest in conditions that adversely affect children. One of the responsibilities often assigned is the investigation of conditions that indicate neglect. The placement of such responsibility on a social service agency suggests that this is not just a police or a judicial function; that it needs the kind of inquiry that recognizes the social and personal problems involved.

Once the facts are known, the social agency has the responsibility for appropriate action. Sometimes appropriate action is referral to the court for legal review and decision. Sometimes that step is avoided because parents make use of their contacts with a social worker and are able to improve the condition.

The social service workers seek to apply whatever knowledge and understanding they can bring to help parents tackle problems that interfere with their capacity to rear their children. Reasonable willingness on the part of parents to participate in this effort is essential. The social worker has no right to give orders. Only certain limited requirements can be established about how parents can make use of the social service if they choose. This does not deny the fact that the case worker who investigates a complaint of neglect, acts on her own observation of questionable care of children, or secures information in preparation for a report to the court, is in an authoritative position. Recognition that this element is part of the relationship between worker and parent is essential to common understanding and effective work. While many technical questions of the use of authority in the casework relationship are still unanswered, there seems no question that it is a necessary and valuable component in many situations.

This dual role of an authoritative position and a responsibility for service to parents is not confusing to either worker or parent when it is used to help parents recognize the consequences of continued neglect. Some parents may even need to hear the court confirm the worker's position before they can marshal their strength to improve their child care practices. The use of outside control as exercised by the court is not a punitive use of authority. Within this framework, the caseworker's

skill and understanding of the problems can help parents to restore broken spirits and encourage them to tackle hard responsibilities. Knowledge of how to combine an authoritative role with professional service has been extended as multi-problem families have attracted the attention of social workers and social scientists. New ways of helping people with serious problems have been tried and in many instances have been successful.

The conviction that most people want to change destructive personal relationships is of great value in serving families whose early relationships with the social worker are characterized by resistance to help and attitudes of hostility and suspicion. In public assistance, there are additional complications that must be kept in mind. When the case-worker is responsible for the assistance grant to the family and also evaluates the effect of parental failure on children, he is in a position that can cause unusual anxiety and fear. Families will be likely to test out how this potential power is used and gain confidence only as it is not used against them. Questions that will be uppermost in the minds of the family must be thoughtfully considered by the agency.

Questions such as the following have to be resolved before confidence in the agency can be established:

- Is eligibility for continuing assistance involved?
- Will the grant continue as an unrestricted money payment?
- What kind of problems of mismanagement will influence the way the grant is paid?
- What are they doing or failing to do for their children that is considered serious?
- What will be the consequence of the questionable child care practices?
- What is the agency's basic intention -- does it mean to take children away from their homes or does it basically want the home to give the child the needed care?

Families could be kept in a constant state of anxiety if the worker failed to deal with these matters forthrightly. The family usually is not familiar with the different responsibilities of the court and the agency; all persons representing governmental agencies represent a threat.

Families generally have little idea that the judge alone has authority to remove children from parental care and that the law protects and upholds the legal rights of parents. Families feel great uncertainty



unless the worker representing the agency explains carefully the circumstances in which it would consider court referral necessary. Such action must never be used as a threat to enforce compliance with agency-prescribed child care practices. However, the agency does have both authority and responsibility to define for parents what actions or failures to act on their part would bring the child under juvenile court jurisdiction. For instance, children of school age must go to school and parents are responsible for their attendance. Children must not be left without adult care and supervision that protects both them and the community. Children cannot be left in situations that seriously endanger their physical health and their mental and moral development.

The agency desires that children receive more than minimum care and it must refer to court children who do not receive minimum protection. When parents cannot or will not supply the minimum, then the court judges whether the child is, within the meaning of the law, neglected, and decides what action is required to protect the child or to guarantee safe care. Sound welfare laws provide the agency with authority to help families resolve problems in child care. To that extent, intervention in family affairs is accepted as proper for the agency. The use the parents make of the agency service -- to provide not only minimum but good care for children -- is their decision. The better the service, the more skillfully it is offered, the more likely the family will respond and find its own goals generally in line with the agency's goals.

The public assistance agency must not mistake poor living conditions for neglect. Insufficient funds and adverse social situations may make it impossible for parents to provide the kind of home life they desire for their children. These families need financial assistance, encouragement, and practical help in securing material necessities. Their desire to provide the best possible care for their children distinguishes them from the families who deny that problems exist and protest that there is nothing more that they can do.

### The Social Study and the Report to the Court

The social study and the social report to the juvenile court have come to be considered indispensable in judicial proceedings involving neglected children. In working with the court, the public welfare agency ought to be aware of what the court expects to be covered in the social report. Some judges look to the agency for specific recommendations; others expect only the social data and analysis of the facts.

Recognition that the court and agency may hold different opinions of what action is appropriate is fundamental to good relationships.

The content of a social report covers relationships within the family group, the special problems in child care, and the special needs of the children. Facts should be presented in simple, straightforward terms. The worker's direct observations are important. Hearsay or assumptions are not useful unless well supported by evidence. The agency's analysis of the implications of the facts, their social and personal meaning to individuals, is an important part of the agency's contribution.

All material included in the report should be relevant to the questions at hand. The report is intended to contribute to the judge's understanding of the social situation of parents and children and to clarify the particular personal problems and circumstances that brought the family before the court. Its purpose is to enable the judge to assess the situation in human as well as legal terms and make a disposition that serves the best interests of the child.

Many delicate questions of confidentiality are raised by judicial proceedings. Information on cruelty to children, parental unfitness, and personality disturbances may be given by sources outside the family. Direct testimony may be required. Insofar as possible, the agency needs to clarify how information will be used and what responsibility the informant may be expected to carry. Consultation with legal staff in the court or public agency often will be important before the formal petition is filed and the report submitted.



## V. STATE AGENCY ADMINISTRATIVE RESPONSIBILITY

As basic services for strengthening family life are developed more fully in the public assistance program, the care of children generally will be improved. Most of the families receiving AFDC will be able to solve their problems of child care as preventive and rehabilitative services become available to them.

However, there are some few families headed for serious breakdown or involved in difficulties that endanger children. This segment of the caseload calls for particular administrative attention. For clarity, the definition of children who require special administrative attention is narrowed to include only those in clearly disturbed and disorganized home situations and those currently neglected, that is, in such hazardous situations that immediate action to prevent further risk is essential.

### Program Development

Despite the advance in methods of service to neglected children, scarcely any community has a well-organized plan designed to identify and serve such children. The common community pattern includes a variety of social and legal agencies, each assuming some share of responsibility, with services insufficiently coordinated. In this poorly organized pattern of service, families may be lost and home conditions go from bad to worse until hope of rehabilitation is slim and the court has little choice but to dissolve a family home and order the placement of the children. The State public welfare agency is in a strategic position to help local agencies organize and define their service and to help local planning groups examine the community-wide picture so that coordinated coverage is assured.

State administrative planning will progress steadily only if the State agency is convinced that effective service to this most disturbed group of its clients is worth concentrated effort. These are the families that are crisis-ridden and likely to arouse public criticism because of their poorly-controlled social behavior. These are the families who, very likely, have been known to many agencies and have gained a reputation for chronic disabilities not easily relieved by agency services. No half-way measure will reach them and even a full measure of revitalized service will not bring some families to a level of satisfactory functioning. However, even the families who fail to reach an acceptable minimum of child care provide valuable information to an agency that is anxious to examine all available data in its search for causes and better methods of practice.



The investment in service to families who seriously fail in their child-rearing tasks is of incalculable value to neglected children and is likely to contribute much to decreasing the rising incidence of juvenile delinquency. Most delinquent children are first neglected children; consequently, help for neglected children means an attack on one of the major sources of adult maladjustments and crime.

A State agency committed to sound program development in behalf of neglected children in the AFDC caseload will need to consider many different means of tackling the problems involved. Employment of a professional person with experience in the protection field to direct program development at the State office level is an effective way to assure sound policy formulation, proper coordination with other programs such as child welfare services, and organization of consultant and supervisor services to the local agencies. When responsibility is spread across a number of staff positions, it may be lost in the multitude of other duties.

### Consultation

Consultation that is regularly available to local agencies is a stimulant to sound local program development. In this way, the State agency recognizes the demands made on local staff, the complexity of the problems involved, and the tendency on the part of local staff to feel frustrated and discouraged by limited success. Consultants bring the State agency close to the day-to-day demands of service to this group of serious-problem families, in which many puzzling pathological conditions exist. Only as the State agency develops a vivid picture of the problems can it hope to make policy decisions, design staffing patterns, and provide standards and guide material that are related realistically to requirements. When the stresses of local operation are underestimated, the local agency is left without the support and guidance that it needs to improve its practice and learn from its experience.

### Staff and Advisory Committees

The organization of an agency staff committee on the State level and in the larger local units offers a valuable means of reviewing experience and testing policy and procedures in relation to their effectiveness in practice. A staff committee gets agency-wide participation in examining the special problems and needs of this program, facilitates use of other program resources, and develops common understanding of the purpose and function of the protective service. Regular review of case situations by a staff committee highlights the need for expansion of resources that are limited or establishment of resources previously unavailable and promotes total agency involvement in their development.

An advisory committee made up of agency staff at both State and local levels, representation from other public and private agencies, and lay members is most useful in bringing to a larger audience the special problems of this client group. Coordination of related services, such as mental hygiene, health, and housing, becomes a part of the committee charge. The important roles of schools, courts, and clinical personnel can be examined and procedures established for smooth working relationships. Families in which neglect and abuse of children is the common pattern become involved with school attendance and guidance personnel, court probation staff, and other community agencies. They are negatively influenced by the attitudes and actions of personnel from many agencies. The hostility that commonly prevents a sound relationship is increased by recurrent experiences with personnel from agencies that do not understand the problems and are affronted by the deficiencies in child care.

Increased knowledge and better understanding of the characteristics of disordered families improves community-wide attitudes toward them. Distrust is replaced by a desire to search for ways to help such families and to improve the social conditions that promote family breakdown. Neglect is a many-sided problem that calls for the participation of psychiatrists, psychologists, lawyers, and other specialists to minimize its destructive effect on children. A clinical committee that brings together a number of disciplines is not only useful in evaluating a case situation and suggesting a treatment plan but in analyzing the facts for clues to improve methods in practice.

The State agency needs to develop a comprehensive plan of review and study of neglect cases. This is part of a research-oriented approach, instead of the trial-and-error methods that have characterized much of the work in this field. Compilation of data on a statewide basis should be directed to such questions as:

- What is the optimum caseload that a worker can cover satisfactorily?
- What is the crucial period in the casework process? Is it in the beginning of the relationship between worker and family, or does it come later after both know each other better?
- Are there distinguishing characteristics between those families who improve their family life with the help of the worker and those who deteriorate further and finally have to be separated?
- Can success or failure be predicted on the basis of certain dominant factors?
- How much neglect seems to stem largely from environmental factors and how much is founded in faulty personality development?

- How long does a family need protective service? Is it properly time-limited or are there some families who require indefinite service to maintain a minimal level of adequacy?

Answers to these and other vital questions will contribute to policy covering criteria for assessing parental failure and guides to situations in which court action is imperative.

## Staff Development

A staff development plan specifically related to service for neglected children is essential. The plan should be based upon the special needs of caseworkers, supervisors, and directors of protective services. Experience gained in other areas of social service is valuable but not sufficient for a feeling of comfortable assurance in this work. Everyday contact with serious pathological conditions produces stress and can defeat the wisest of practitioners unless the agency supports his work and provides training and supervision that lessens the burden.

The caseworker faces these problems:

- The severe disorganization in most neglect families tends to confuse and overwhelm the worker. Conscious effort is required to avoid hasty action in an effort to bring immediate change.
- Discouragement and frustration are common hazards to the worker. The tendency to write off the family as hopeless sometimes occurs at a point when improvement is just ahead. Disorganized families frequently make progress and then regress sharply. Usually there is no even, steady improvement, but there may be marked change: the home cleaned, the children sent to school, the male boarder in the house sent away, and the trips to the tavern discontinued. However, the worker learns from experience that these can be superficial changes and that problems are likely to recur.
- There is discomfort in an authoritative position when the other person seems distinctly in the wrong. For sensitive caseworkers, who instinctively recognize the uncertain feelings of other individuals, this discomfort is inevitable. It may cause the worker either to minimize the difficulty and reassure the family too quickly or to present too harsh a statement of the complaints leveled against the family. The necessary delicate balance is never achieved quickly.
- Extremely hostile and suspicious attitudes are often directed to the worker. He learns slowly that these attitudes are not aimed at him as an individual but rather at the family's image of him as a person with power and frightening control.



Training that will help the caseworker handle this difficult role with disturbed families has to take into account these problems, accentuated in the setting of protective casework. The required knowledge and skill go beyond ordinary job responsibilities. Well-planned group discussion is of particular benefit to workers in protective service. It gives the worker the opportunity to see that his reactions are not peculiar to him and that the problems he faces are not isolated despite their severity. His colleague, too, has faced them.

The State agency has special obligation to plan regional group sessions for caseworkers in small local units. Otherwise, their feeling of aloneness with a difficult caseload can seriously affect morale and competence.

The supervisor's role is equally taxing in this field and demands special consideration in staff training plans. The supervisor needs:

- Skill in helping the worker to identify his own reactions to unhealthy family and parent-child relationships. These stir up strong reactions in a worker and he needs opportunity to express them without fear of condemnation. Without this opportunity in the supervisory relationship, the caseworker is likely to burden the family with his own problems.
- Competence to teach the skills of case analysis so that the worker can help families to a better perspective of their situation.
- Competence to teach the skills of building relationships in an authoritative position. The capacity to respond sensitively to the client's discomfort as the latter begins to judge the consequences of his own actions will safeguard parents against broken defenses that leave them helpless to meet everyday events.
- Competence to teach a wide range of content on child development, family life, interpersonal relationships, and symptoms of emotional disturbance and mental illness. Workers who are well informed in these areas are equipped to identify problems and estimate their importance in child care and family life.

Regional seminars and training sessions for case supervisors are best arranged by the State agency. Groups can be formed that represent different areas and diversified problems. A sense of a statewide program with common goals is achieved most easily by regular contacts of State and local staff.

The directors of protective programs in local agencies need training sessions on administrative responsibility in child protection. The directors are responsible for the over-all operation of the agency. They establish the staff patterns. Unless they are well grounded in the basic



principles of protective service, administrative decisions may not take into account the program needs. Costs of operation have to be understood, accepted, and justified by the directors. The community planning and the public relations responsibilities are extremely important. Communities will not support sound service for neglected children in their own homes unless they have confidence, and this confidence must be based upon knowledge of goals and methods in the program.

### Policies, Standards, and Guides

Policies, standards, and guide material have particular significance in child protection. The policy statement gives the worker the basic principles and purpose of the program as distinguished from other parts of the agency program. It defines the children to be served and the circumstances under which the service is required. The policy statement also dispels confusion about the extent and content of the protective service in AFDC, and indicates its relationship with other community agencies that have protective functions. It outlines the basis for cooperative relationships between public assistance and child welfare services, and designates how and when consultation is to be used. The policy statement should also contain the criteria for assessing parental failure and should specify, in general, the conditions that justify court referral.

Statewide policy assures reasonable uniformity of purpose and methods in all local jurisdictions. Participation of State and local staff in policy development keeps the policy well related to local problems and programs. Protective policy should include content on dealing with complaints, referral to other resources, responsibility for continuing service until problems are resolved or other plans made for children, relationship with juvenile court, and use of special legal, medical and psychiatric services.

Standards and guides in the protective field should cover personnel standards, caseload size, and special techniques and skills essential to sound practice. Guides ought to define the general pattern of service, such as spacing of visits; contacts with parents, children, and others; periodic review of situations; and development of a treatment plan. Orderly, clearly-defined processes are essential to overcome the general problem of disorganization faced by the family.

Guides for preparation of social study material for use of courts or clinics help to develop uniform practices and establish confidence in the program.

No other area of service for which the State agency bears a social planning role is more important or has more far-reaching consequences in the lives of children than that of the protective service. This role, carried with vigor and ingenuity, can contribute strength to the total statewide program of child welfare.

## APPENDICES

### Excerpts From State Plans Pertaining to Protection of Children:

1. Alabama
2. Maryland
3. New Mexico

### References



## 1. ALABAMA\*

### SUITABLE HOME PROVISION

The purposes of the suitable home provision in ADC are: (1) to re-define and re-emphasize the importance of suitable family life; (2) to underline agency responsibility in relation to the maintenance of suitable family homes of children who receive ADC; and (3) to reinforce the opportunity of the economically deprived child to develop to the extent of his ability.

This section is to be used in conjunction with provisions in Manual for Administration of Child Welfare Services which provide protection for all children. (See Chapters I and VIII of the child welfare manual.)

Suitable Family Home Defined -- A suitable family home provides a child love, care, and protection and conforms in general to acceptable standards of health and morals. Such a home provides a child an opportunity to develop into a normal adult.

Evaluation of Suitability of the Home -- The county department is responsible for (1) evaluating the suitability of the home at the time of application or review, or at any other time that a question arises about suitability; (2) working with the parent or other grantee relative in improving unsuitable home conditions and in maintaining more responsible care of children; (3) initiating court action to remove children from the home in extreme situations.

#### Conditions of Unsuitability Which Call for Specific Action

1. Improper relations with a child, prostitution of a child, injury of a child by cruel beatings, other offenses against a child of an equally serious nature, or where the child needs the immediate protection of the court are conditions calling for the filing of an immediate petition for the protection of the child in accordance with established child welfare practices.

2. Given below are other serious conditions which must be considered in evaluating suitability of the home.

a. Unusual Neglect of a Child -- This may be willful, as when the parent or other grantee relative is not interested in the child's welfare, drinks excessively, or uses his income and grant for purposes other than necessities. Unusual neglect may also occur when the parent or other grantee relative is unable to give proper care, as

---

\*Alabama State Department of Pensions and Security Manual, Part I, Section II, pp. 35-37. (Effective April 1, 1961).



when he is too feeble-minded or physically disabled to provide for the care of the child. (A question of unsuitability within the meaning of this provision will not arise if malnutrition, insufficient clothing, etc., result solely from lack of income.)

Some evidences of willful neglect are obvious malnutrition, etc., repeatedly leaving the child alone in the home, on the streets, or without proper supervision or control. Repeated arrests of the parent or other grantee relative for disorderly conduct, alcoholism, or other serious violations of the law often result in the serious neglect of the child and raise a question as to suitability of the home.

b. Sexual Promiscuity -- Evidences of this are:

(1) The mother or other female grantee relative living in the home has promiscuous relations inside or outside the home, or has other undesirable patterns of sexual behavior which affect adversely the moral environment of the child.

(2) The father or other adult person living in the home has promiscuous relations within the home or other undesirable patterns of sexual behavior which affect adversely the moral environment of the child.

The lack of a statutory or common-law marriage will not in itself raise a question as to suitability of the home. A suitable environment for the child may exist by virtue of a stable union, even though such a union may lack legality.

When conditions of unsuitability exist, tell the parent or other grantee relative what they are; talk to him about what he can do to correct the unsuitable conditions; and explain what the agency can do to help in the matter. Tell him that the following action will be taken:

1. Unless the welfare of the child calls for an immediate petition to the court, the parent or other grantee relative will be expected to take steps to correct the situation in the home. The counsellor will help the parent or other grantee relative correct the situation in areas where he can. At the end of three months, a re-evaluation will be made and next steps decided upon. If there is some improvement, or it appears that additional time would be helpful, consider that the parent or other grantee relative is trying to make the home suitable and continue to work with the parent toward further improvement and set new dates for evaluation.

2. If the condition has not improved within the period agreed upon and it appears that other plans could and should be made for the child, discuss with the parent or other grantee relative possible alternate plans, such as ADC with another relative in a suitable home, foster

home care, or institutional care. A decision to make plans for the child outside his home or to bring the situation to the attention of the court will be made, however, only when: (a) careful study and evaluation establish that the negative factors so far outweigh the positive ones as to jeopardize seriously the welfare and interests of the child; and (b) it appears that further effort to enable the parents to correct unsuitable conditions will be unproductive as long as the child remains in the home; and (c) it appears that the child could be benefited.

If the parent or other grantee relative will not enter into an agreement for the county department to carry out a suggested plan for the child's care, and it appears that the child would benefit by reporting the situation to the appropriate court, tell the parent or other grantee relative that this action may be necessary. Continue ADC in the child's home until other plans are made for his care. (See procedures below in relation to court action.)

If it does not appear that the child would benefit by court action or if the child is 16 or older, continue ADC and continue to work with the parent or other grantee relative on improving the home situation. Juvenile court action is not initiated for children over 16 because the court does not have jurisdiction over these children.

#### Procedures To Be Followed When Court Action is Initiated

Sometimes it is necessary for the county department to file a petition for the immediate removal of a child from his home in an extreme situation. Unless this is true, when a petition is under consideration, first discuss with the judge the most desirable plan for the child's protection. The best plan may be to leave him in his own home under supervision of the county department or to remove him from his home and place him in the home with other relatives, in a foster home, or in an institution.

If the judge and county department agree that a petition should be filed for removal of a child from his home, the State Department must share in this decision. Any decision made by a State staff member will be based on factual data presented by the county department. The data must show what condition of unsuitability exists, what ill effect it has had or is expected to have on the child, what efforts have been made to help the parent improve the situation, the alternate plan which has been made for the child's care and how he is expected to benefit by it.

Given below are procedures to follow in initiating court action for removal of a child from his home and in securing advice from the State Department.

Before petitioning the court to remove a child, ask the field representative and/or the child welfare consultant to read the case in

question if they are in the county office or are expected there soon. Otherwise, mail the case record to the Bureau of Child Welfare and request a review. In this instance, a joint decision regarding court action will be made by the Bureaus of Child Welfare, Field Service, and Public Assistance. When indicated, the legal advisor will be consulted.

If the State Department agrees that a petition should be filed, use civil procedures provided under Title 13, Section 361, Code of Alabama 1940, as amended.

If the court adjudges the child should be removed from the home and placed elsewhere, discontinue aid for this child in the home from which he was removed. If the child is placed in a suitable home with another relative of the required relationship for ADC, a new ADC case can be opened and payment made in the usual way.

If the court does not remove the child from the parent's or other grantee relative's home and if he is otherwise eligible, continue the ADC payment.

NOTE: Sometimes a parent's neglect of a child is such that it appears the parent should be prosecuted. When such action is indicated, mail the case record to the Bureau of Child Welfare for review by appropriate State staff, which will always include the legal advisor. If the decision is to prosecute the parent and it appears that the child's best interest can be served by placing the parent on probation, the county department will be asked to discuss this with the judge.



## 2. MARYLAND\*

### ADC FAMILY HOME MEETING STANDARDS

Family Home Meeting Standards. The ADC law sets as a condition of eligibility that the child be "living in a family home meeting the standards of care and health, fixed by the laws of this State . . . ." The purpose and intent of ADC is clearly to support the parent's responsibility and right to rear his children in a family setting. At the same time, within the intent of the law, the Department has concern that the child receive the kind of parental care expected within the laws established to protect childhood.

The concern would be not with small points of deviation from the concept of parenthood and childhood, but with the deviation in most areas of parental responsibility which thereby raises question about neglect of children. The parent or person in place of parent needs to know when this kind of question arises - to know how it can affect eligibility for assistance, to know what steps the Department may need to take and what steps the parent himself may take.

Assistance would not be denied or cancelled without, at the same time, taking the necessary legal steps to get the matter before the proper court which has the authority to determine whether or not there is neglect.

The legal definition of neglect establishes some criteria for determining whether or not the situation is serious enough to believe that a petition needs to be filed in the court if nothing changes. The Juvenile Causes Law defines "neglected child" as one:

"(1) who is without proper guardianship; (2) whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity, is unfit to care properly for such a child; (3) who is under unlawful or improper care, supervision, custody or restraint, by any person, corporation, agency, association, institution or other organization or who is unlawfully kept out of school; (4) whose parent, guardian or custodian neglects or refuses, when able to do so, to provide necessary medical, surgical, institutional or hospital care for such child; or (5) who is in such condition of want or suffering, or is under such improper guardianship or control, or is engaged in such occupation as to injure or endanger the morals of health of himself or others."

---

\*Maryland State Department of Public Welfare Manual, Public Assistance, ADC Family Home Meeting, Standards II, 208.1-4. (Effective November 1960).



In considering the standards of the home for acceptable child care, the following are guides:

1. Children need physical care. The younger the child, the more attention he needs for his actual physical protection.
2. Children need a reasonably decent place in which to live.
3. Children need sufficient food for proper growth and development and suitable clothing for play and school.
4. Children need reasonably consistent attention from an adult, with provision not to be left alone, and with responsibility to see that they have necessary medical, surgical and hospital care.
5. Children of school age need the support of their parents in order to get to school regularly and on time and presentably so that they are not set off from other children.
6. Children need example and direction from parents or adults within the family and in the community to provide opportunity for orderly living and wholesome development.
7. Children need a sense of belonging and a feeling that their parents and family group care about them.
8. Children need opportunity to participate in the usual community activities appropriate to age and development - recreational, religious, educational.

The child's best chance for healthy development is to have parents who are responsible to see that these needs are met so far as possible, but who also feel their value as individuals and not only as parents.

Social Values - Significance for ADC. ADC families are those which already have suffered some breakdown in the family situation considered desirable for a child's development - parental responsibility for children shared by two parents able to carry their respective roles.

### 3. NEW MEXICO\*

#### SERVICE PROGRAMS

The service programs of Child Welfare are as follows:

- A. Casework Services for Children
- B. Foster Care Services
- C. Adoption Services
- D. Services to Unwed Parents
- E. Maternity Home Care
- F. Other Services

#### PROTECTIVE SERVICES

Protection for children began as a quasi-official activity in the United States when New York State authorized in 1874 the formation of societies to prevent cruelty to children. These had been preceded by societies to protect animals.

Child protection has been influenced in its development by several historical facts. One was that it began as a law-enforcement program, emphasizing prosecution and punishment rather than remedial measures and prevention. Another important historical fact is that laws governing child neglect were written when knowledge of emotional needs of children was meager, so that legislation largely defined neglect in terms of physical care of children.

With the turn of the century, and with the development of private social welfare agencies and growing knowledge about psychosocial development of children, the approach has gradually changed toward rehabilitation and prevention.

The modern child protective service begins with the conviction that many parents can use help to change, when help is offered to them to improve care which their children are receiving. The services of the court are reserved for those situations in which casework efforts alone are not effective and it is necessary that the court assume jurisdiction of the child.

---

\*New Mexico Department of Public Welfare Manual, Section 420-421. (Effective January 1, 1962).

## DEFINITION OF CHILD NEGLECT

The statutory definition of neglect and a social agency's definition are not necessarily alike, since the legal definition is fixed in law and an agency definition changes with new knowledge of the needs and development of children. In New Mexico, the two definitions of neglect are in relative harmony, because of the relative recentness of our laws. The law's recognition of failure to provide "proper parental care or guardianship" as a criteria of neglect leaves a large area for judicial interpretation and flexibility. (For the New Mexico legal definition of neglect, see Children and the Law, Manual Section 412.)

The following is the definition which guides the New Mexico Department of Public Welfare in its program of service and protection to children:

The child on whose behalf protective services should be given is one whose parents or others responsible for him, fail to provide, either through their own efforts or through the use of available community resources, the love, care, guidance and protection a child requires for healthy growth and development; and whose condition or situation gives observable evidence of the injurious effects of failure to meet at least his minimum needs. A child's well-being may be jeopardized when the child is:

- A. Malnourished, ill-clad, dirty, without proper shelter or sleeping arrangements;
- B. Without supervision, unattended;
- C. Ill and lacking essential medical care;
- D. Denied normal experiences that produce feelings of being loved, wanted, secure and worthy;
- E. Failing to attend school regularly;
- F. Exploited, overworked;
- G. Physically abused;
- H. Emotionally disturbed, due to continuous friction in home, marital discord, mentally ill parents;
- I. Exposed to unwholesome and demoralizing circumstances.

## CLARIFICATION OF NEGLECTFUL CONDITIONS

Neglect is usually a constellation of physical and emotional conditions that taken as a whole are expressive of parental attitudes and the nature of the parent-child relationship. It is this relationship which is the core of neglect situations and it is here that the explanation for seemingly inexplicable behavior may be found. Symptoms of neglect, therefore, must be considered as a whole, and as what they indicate of family relationships, rather than in isolation.

- A. Truancy. Truancy by itself may reflect parents' own lack of education or intelligence, or no understanding of the importance of education in modern society. Truancy is a valid Child Welfare concern when it is accompanied by or reflecting other failures of parental functioning that comprise neglect. By itself, the administration of school attendance is a function of the school.
- B. Marital Instability. The family counselling function of child welfare is limited to those instances of marital discord which affect and endanger the care and well-being of children. The Agency's focus is on what such home conditions do to the child, and how the child may be protected from them.
- C. Working Parents. Complaints of parents working are a valid concern insofar as they relate to children being unattended and inadequately supervised. It is very important to distinguish between parents trying to do the best they can with the need to earn a livelihood, and parental indifference to the real needs of their children.
- D. Requests for Boarding Care. Boarding care is never a financial or educational-assistance program for parents having difficulty in making ends meet. The Agency considers children for placement outside their own homes when home conditions require substitute care for the protection of the child.
- E. Complaints about diet, clothing and housekeeping. These are extremely subjective matters that are strongly influenced by cultural background, social and economic class, and individual experience, and need very careful exploration as to evidences of wilful deprivation before they can be considered neglect. Hungry, cold, begging, stealing, wandering, incorrigible, sick children are of proper Child Welfare concern.
- F. Custody Disputes. It is not the policy of Child Welfare to involve itself in divorce or custody disputes when the request for service is from one of the disputants, unless conditions indicate actual neglect of children. In such cases, the focus of the Agency is protection of the child from neglect, and not the custody dispute. The Agency intervenes in other custody disputes only upon the written request of a District Court for investigation and report.



- G. Law-breaking. Law-breaking of children is almost always symptomatic of maladjustment in the child, signifying disturbed parent-child relationship. In such instances, and particularly with young children, Child Welfare has an active concern, focussed upon the underlying family difficulties precipitating the behavior. The adjudication of anti-social behavior and of delinquency of children is a function of the court. The Agency may actively offer its services, but decision to use the services of the Agency is reserved to the court.
- H. Runaways. The Agency has a specifically-delegated function to protect runaway youngsters and assist them to return home. When local runaways are expressive of an unhappy home situation, the Agency has an active concern. Where runaways have already become a concern to law-enforcement officials, the Agency may offer its services to the court. Out-of-State runaway children up to age 18 may be offered service and care pending verification of their State of residence. Such requests are made to the Welfare Department of the State of supposed residence. Upon receiving verification of such residence, the child may be returned to his home State with necessary transportation costs paid by this Agency.

#### AUTHORITY AND RESPONSIBILITY OF THE AGENCY

The Public Welfare Act of 1937 established the Child Welfare Division of the Department of Public Welfare as the representative of the authority of the State in overseeing the protection of children.

Common consensus is that parents have self-determination in the raising of their children provided they meet certain standards of responsibility as to physical care, education, supervision, protection, and moral and social guidance in the raising of their children.

The State assumes the right to intervene when these standards are violated or when a conflict between the rights of parents and those of children affects adversely the welfare of children.

The right of Agency intervention includes the following activities:

- A. To contact the family and continue contacts in situations which warrant community concern in behalf of a child;
- B. To offer help, although it may not be wanted and accepted;
- C. To make clear that the community cannot allow a situation harmful to a child to persist;
- D. To carry out a treatment plan for the child and family which can lead to a permanent solution;

- E. To initiate appropriate action (with or without the cooperation and consent of the parents) to remove the child from the parents and obtain adequate care for him if such care cannot be provided by the parents.

## USE OF AGENCY AUTHORITY

Protective services carries with it the authority of the State, of statute, and the judicial process to require the Agency to oversee the care of children, and of parents to yield to the necessity for change or face losing their children. To carry and use this power of compulsion comfortably, securely, and discriminately is one of the first responsibilities of the worker. It rests on a knowledge and feeling of the right of society, through the agency, to oversee the protection of children. It depends upon an ability to balance understanding and feeling with a firm holding to the Agency's protective function.

Although the worker carries much authority vested in him as a representative of the Agency, this vested authority never takes the place of the endowed authority which is earned through a relationship of confidence and trust with a client.

The authority of the Agency extends to the right to expect, and to hold out for change and improvement in the parents' performance of their parental roles. It is not the Agency's authority to dictate how the parent chooses to effect these changes, since these are a product of the individual personality.

## LIMITS OF AGENCY AUTHORITY

No parent or legal guardian may be deprived of his child against his consent without due process of law. Legal separation of children from their families can be carried out only by consent of the parents or court order.

When parents consent to removal of a child, plans must be worked out between parents and the caseworker. Consent must be in writing, either on a Release for Placement (Form 405) on a Consent to Adoption (Form 404) or on an individually prepared consent to legal custody.

## EMERGENCY CARE

A child may be removed without consent in those rare circumstances where humane considerations would oblige any person to take such a step. Such emergency care should be carried out only when parents are unable to care for the child and other persons close to the child cannot

provide needed temporary care. When it is available and practicable, homemaker service is preferable to removal of a child from his own home. When it is necessary to arrange for emergency care before court authorization has been obtained, at the first possible moment (customarily, the next working day) the worker should secure such a court authorization or order.

Sudden separation is one of the most frightening events a child can experience. The worker should take any measures necessary and permitted by the circumstances to reassure the child with words and gestures, explaining what is happening, taking familiar clothes and toys along with the child, and not leaving the child in a new place until he demonstrates familiarity with his surroundings and understanding that he is safe.

## REFERENCES

- American Humane Association, Children's Division. Report of National Agencies Workshop on Child Protective Services - Part 2. 1958, 19 pp.
- Arnold, Mildred. Termination of Parental Rights. The American Humane Association (Children's Division), 1961, 14 pp.
- Bakwin, Harry. "Multiple Skeletal Lesions in Young Children Due to Trauma." Journal of Pediatrics, Vol. 49, July 1956, pp. 7-15.
- Beck, Bertram. "Protective Casework Revitalized, Part I & II." Child Welfare, Nov. 1955, pp. 1-7; Dec. 1955, pp. 16-20.
- Boardman, Helen E. "A Project to Rescue Children From Inflicted Injuries." Social Work, Vol. 7, Jan. 1962, pp. 43-51.
- Bowlby, John. Child Care and the Growth of Love. Whitefriars Press, Ltd., Printed in Great Britain; Published in Pelican Books, 1953, 190 pp.
- Children's Aid Society. "Nine-to-Twenty-Four-Hour Homemaker Service Project." Child Welfare, Mar. -Apr. 1962, pp. 99-158.
- Community Chest and Council of Minnesota. Casework Notebook - Family Centered Project. St. Paul, Minn., 1957. 173 pp.
- Child Welfare League of America, Inc. Child Welfare League of America Standards for Child Protective Service, #60-11233, 1960. 58 pp.
- Choate, Reba E., and Gallagher, Ursula. Unmarried Parents. Department of Health, Education, and Welfare. Bureau of Public Assistance and Children's Bureau. (Bureau of Public Assistance Report No. 45.) (Children's Bureau Publication No. 390 - 61.) Washington: U.S. Govt. Print. Off., 1958. 63 pp.
- DeFrancis, Vincent. Let's Get Technical. The American Humane Association (Children's Division), 1958, 10 pp.
- DeFrancis, Vincent. The Fundamentals of Child Protection. The American Humane Association (Children's Division), 1955, 71 pp.
- Dick, Kenneth, and Strnad, Lydia J. "The Multi-Problem Family and Problems of Service." Social Casework, Vol. 39, June 1958, pp. 349-355.
- Eisenberg, Leon. "Sins of the Fathers - Urban Decay and Social Pathology." American Journal of Orthopsychiatry, Vol. 32, Jan, 1962, pp. 5-17.



- Elmer, Elizabeth. "Abused Young Children Seen in Hospitals." Social Work #4, Vol. 5, 1960, pp. 98-102.
- Epstein, Lenore A. "Some Effects of Low Income on Children and Their Families." Social Security Bulletin, Vol. 24, No. 2, Feb. 1961, pp. 12-17.
- Erikson, Erik W. Childhood and Society. New York: W. W. Horton & Company, 1953, 388 pp.
- Family Service Association of America. The Lawyer and the Social Worker. New York: The Association, 1959, 36 pp.
- Fisher, S. H. "Skeletal Manifestations of Parent-Induced Trauma in Infants and Children." Southern Medical Journal, Vol. 51, 1958, pp. 956-960.
- Fritz, Redl. "Crisis in the Children's Field." American Journal of Orthopsychiatry, Vol. 32, No. 5, Oct. 1962, pp. 759-780.
- Gordon, Henrietta L. Casework Services for Children - Practices and Principles. Boston: The Riverside Press, Houghton Mifflin Company, 1956. 493 pp.
- Grossman, Naomi. "The Social Worker and the Court." Child Welfare, Vol. 36, No. 3, Mar. 1958, pp. 15-18.
- Hallinon, Helen W. "Coordinating Agency Efforts in Behalf of the Hard-to-Reach Family." Social Casework, Vol. 40, No. 1, Jan. 1959, pp. 9-17.
- Illinois Public Aid Commission. Family Reconstruction in ADC. Nov. 1954, 21 pp.
- Kahn, Alfred J. "The Social Scene and the Planning of Services for Children." Social Work, Vol. 7, No. 3, Jul. 1962, pp. 3-14.
- Katz, Sanford. "The Lawyer and the Caseworker - Some Observations." Social Casework, Vol. 42, No. 1, Jan. 1961, pp. 10-15.
- Kaufman, Irving. "The Contribution of Protective Services." Child Welfare, Vol. 36, No. 2, Feb. 1957, pp. 8-15.
- Keith, Lucas Alan. Decisions About People in Need. Chapel Hill: University of North Carolina Press, 1957, 318 pp.
- Kempe, Henry C., et al. "The Battered-Child Syndrome." Journal of the American Medical Association, Vol. 181, No. 1, July 7, 1962, pp. 17-24.

- Kirby, Joyce. "Preserving Family Ties." Child Welfare, Vol. 38, No. 9, Nov. 1959, pp. 19-24.
- Littner, Ner. Primary Needs of Young Children--A One to One Relationship. New York: Child Welfare League of America, Inc., 1959, 28 pp.
- Maas, Henry S., and Engler, Richard E., Jr.; in collaboration with Felten, Zelma J., and Purvine, Margaret. Children in Need of Parents. New York: Columbia University Press, 1959. 462 pp.
- Mandelbaum, Arthur. "Parent-Child Separation--Its Significance to Parents." Social Work, Vol. 7, No. 4, Oct. 1962, pp. 26-34.
- Matthis, Austin W., et al. "Coordinated Services for Children with Problems." Children, Vol. 8, No. 3, May-June 1961, pp. 102-105.
- Miller, Walter B. "Implications of Urban Lower Class Culture for Social Work." Social Service Review, Vol. 33, No. 3, Sept. 1959, pp. 219-236.
- Mulford, Robert M. Emotional Neglect of Children. The American Humane Association (Children's Division), 1958, 10 pp.
- Mulford, Robert M., Wylegala, Victor B., and Melson, Elwood F. Caseworker and Judge in Neglect Cases. New York: Child Welfare League of America, Inc., 1956, 31 pp.
- National Probation & Parole Association. Standard Family Court Act. Children's Bureau, 1959, 64 pp.
- National Social Welfare Assembly. Aid to Dependent Children: A Family Service - The Community Responsibility. New York: The Assembly, 1960, 36 pp.
- Nichols, Elizabeth. A Voluntary Agency Adds Child Protective Services. The American Humane Association (Children's Division), 1960, 16 pp.
- Oettinger, Katherine. "The Rights of Our Children." Child Welfare, Vol. 37, No. 6, June 1958, pp. 1-6.
- Overton, Alice. "Serving Families Who 'Don't Want Help'." Social Casework, Vol. 34, July 1953, pp. 304-309.
- Overton, Alice. "Casework as a Partnership." Children, Vol. 3, No. 5, Sept.-Oct. 1956, pp. 181-186.

- Page, Miriam O. "Cohesion, Dignity, and Hope for Multi-Problem Families." Children, Mar. -Apr. 1961, Vol. 8, No. 2, pp. 63-68.
- Rabinowitz, Clara, and Edwards, Olivia. "Socially Deprived Children--I. Therapeutic Work; II. Helping Their Parents." Children, Vol. 3, No. 1, Jan. -Feb. 1956, pp. 3-12.
- Regensberg, Jeanette. "The Child Has A Family." Child Welfare, Vol. 36, May 1957, pp. 1-11.
- Roney, Jay L. and Wiltse, Kermit T. "New Approaches to Aid to Dependent Children, Part I & II." Children, Vol. 6, Sept. -Oct. 1959, pp. 163-168.
- Safriet, William. "Reaching the Neglected Child." Public Welfare News, Vol. 25, No. 4, Dec. 1961, p. 8.
- Sandusky, Annie L. Child Welfare Services: How They Help Children and Their Parents. (Children's Bureau Publication No. 359.) Washington: U.S. Govt. Print. Off., 1957, 94 pp.
- Sandusky, Annie L. "Services to Neglected Children." Children, Vol. 7, No. 1, Jan. -Feb. 1960, pp. 23-28.
- Sandusky, Annie L. Children Living in Their Own Homes. (Children's Bureau Publication No. 339.) Washington: U.S. Govt. Print. Off., 1953, 52 pp.
- Scherer, Lorena. "Protective Casework Service." Children, Vol. 3, No. 1, Jan. -Feb. 1956, pp. 27-31.
- Silver, H. K., and Kempe, C. H. "Problem of Parental Criminal Neglect and Severe Physical Abuse of Children." J. Dis. Child, Vol. 95, 1959, p. 528.
- Smith, A. Delafield. The Right to Life. Chapel Hill: University of North Carolina Press, 1955, 204 pp.
- Studt, Elliot. "An Outline for Study of Social Authority Factors in Casework." Social Casework, Vol. 35, No. 6, June 1954, pp. 231-238.
- Studt, Elliot. "Worker-Client Authority Relationships in Social Work." Social Work, Vol. 4, No. 1, Jan. 1959, pp. 18-28.
- Turnbladh, Will C. A Standard Juvenile Court Act. National Probation and Parole Association, N. Y., Revised 1959, 40 pp.

U.S. Department of Health, Education, and Welfare. Bureau of Public Assistance. Illegitimacy and Its Impact on the Aid to Dependent Children Program. Apr. 1960, 82 pp.

\_\_\_\_\_. Children's Bureau. Standards for Specialized Courts Dealing with Children (Children's Bureau Publication No. 346.) Washington: U.S. Govt. Print. Off., 1954, 99 pp.

\_\_\_\_\_. Children's Bureau. Legislative Guides for the Termination of Parental Rights and Responsibilities and the Adoption of Children. (Children's Bureau Publication No. 394.) Washington: U.S. Govt. Print. Off., 1961, 61 pp.

Wiltse, Kermit T. "The Hopeless Family." Social Welfare Forum, 1958, pp. 138-153.

Younghusband, Eileen L. "The Dilemma of the Juvenile Court." Social Service Review, Vol. 33, No. 1, Mar. 1959, pp. 10-20.

















